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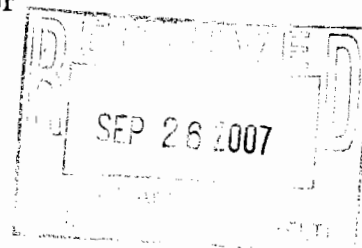
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September 26, 2007



BY FACSIMILE (212)805-7912

Hon. John G. Koeltl

United States District Judge

Daniel Patrick Moynihan United States Courthouse

500 Pearl Street, Room 1030

New York, New York 10007

Re: Intellivision v. Microsoft Corp.
Civil Action No. 07-CV-4079(JGK)

APPLICATION GRANTED
SO ORDERED

[Signature]
John G. Koeltl, U.S.D.J.

Dear Judge Koeltl:

I am counsel for plaintiff, Intellivision, in the above-captioned action. I am writing to request an enlargement of the maximum page length limitation for memorandum of law prescribed by Rule 2(C) of Your Honor's Individual Practices.

Specifically, Intellivision requests waiver of Rule 2(C) relative to Intellivision's thirty-five (35) page memorandum of law in opposition to defendant's motion to dismiss the amended complaint in the above-captioned action. Due to time constraints, Intellivision's memorandum of law was served before I had the opportunity to make this request.

The basis for Intellivision's request is as follows.

On June 15, 2007, defendant Microsoft Corp. ("Microsoft") filed and served its first motion to dismiss the original complaint filed by Intellivision in this action. On July 20, 2007, Intellivision filed its memorandum of law in opposition to Microsoft's motion. Intellivision's memorandum of law did not exceed twenty five pages in length. Along with its memorandum in opposition, Intellivision served Microsoft with an amended complaint which it filed with the Court on July 27, 2007.

By letter to the Court dated July 27, 2007, Microsoft withdrew its first motion to dismiss, indicating that Intellivision's amended complaint rendered its motion moot.

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However, on August 18, 2007, Microsoft served a revised version of its first motion to dismiss – now directed at Intellivision’s amended complaint. Microsoft’s August 18, 2007 motion to dismiss is the same as its original motion in substantial respects. However, Microsoft’s August 18, 2007 motion has been supplemented with hundreds of publications obtained by Microsoft’s counsel from various online sources.

Microsoft’s incorporation into its motion of hundreds of publications that are outside the evidentiary record and that are neither referenced by nor incorporated in the complaint is improper. Despite this impropriety, Intellivision could not simply ignore the hundreds of online publications relied upon by Microsoft in its motion.

Unfortunately, Intellivision’s need to address the impropriety of Microsoft’s reliance on the aforesaid documents and its further need to substantively respond to the factual content and legal significance of these documents could not be accomplished by the undersigned within the page length limitations prescribed by Rule 2(C) of Your Honor’s Individual Practices.

As pointed out above, Intellivision’s memorandum of law in opposition to Microsoft’s first motion to dismiss did not exceed twenty five pages in length. However, when faced with the need to respond to the factual and legal implications of the hundreds of publications relied on by Microsoft in its August 18, 2007 motion to dismiss, Intellivision could not fit its memorandum within the Court’s maximum page length limitation – despite its best efforts at reducing the length of the memorandum over the two-day period before filing the memorandum.

For the foregoing reasons, Intellivision seeks a waiver of the maximum page length limitation prescribed by Rule 2(C) of Your Honor’s Individual Practices.

Respectfully submitted,



Bruce D. Katz

BDK/mm
cc: Steven L. Holley, Esq. (by email)